

1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

3 James Jerry Cook,

4 Petitioner

5 v.

6 Attorney General of the State of Nevada,

7 Respondent

Case No.: 2:19-cv-00821-JAD-GWF

Order Dismissing Case Without Prejudice

[ECF No. 1]

9 Petitioner, James Jerry Cook, a Nevada prisoner, has submitted a petition for writ of
10 habeas corpus under 28 U.S.C. § 2254.¹ But because Cook failed to file an application to
11 proceed *in forma pauperis* or pay the \$5 filing fee, this action was improperly commenced.² For
12 this reason, the court dismisses this action without prejudice to Cook's ability to file a new
13 habeas petition (in a separate, newly commenced case) by using the form required by this court
14 and either paying the \$5 filing fee or filing a completed application to proceed *in forma pauperis*
15 on the proper form with both an inmate account statement for the past six months and a properly
16 executed financial certificate.

17 IT IS THEREFORE ORDERED that **THIS CASE IS DISMISSED** without prejudice to
18 the filing of a petition in a new action with either the \$5 filing fee or a properly completed
19 application form to proceed *in forma pauperis*.

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¹ ECF No. 1.

23 ² 28 U.S.C. § 1915(a)(2) and Local Rules LSR 1-1, 1-2.

1 IT IS FURTHER ORDERED that a certificate of appealability is denied because jurists
2 of reason would not find the court's dismissal of this improperly commenced action without
3 prejudice to be debatable or incorrect.

4 IT IS FURTHER ORDERED that **the Clerk of Court is directed to SEND** petitioner
5 two copies each of an application form to proceed *in forma pauperis* for incarcerated persons and
6 a noncapital Section 2254 habeas petition form, one copy of the instructions for each form, and a
7 copy of the papers that he submitted in this action, **ENTER JUDGMENT** accordingly, and
8 **CLOSE THIS CASE.**

9 Dated: May 29, 2019

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12 U.S. District Judge Jennifer A. Dorsey
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